

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Van Kelly Ikner,

Petitioner,

v.

Civ. No. 05-3001 (JNE/SRN)
ORDER

J.S. Walton, Associate Warden, Duluth Federal
Prison Camp, and the Federal Bureau of Prisons,

Respondents.

This case is before the Court on a Report and Recommendation issued by the Honorable Susan Richard Nelson, United States Magistrate Judge, on February 7, 2006. The magistrate judge recommended that Claim I of Petitioner's Petition for a Writ of Habeas Corpus be granted, that Respondent J.S. Walton be directed to reconsider the date when Petitioner should be assigned to community confinement, that Claims II and III of Petitioner's petition be denied, and that Petitioner's motion to consolidate be denied. Respondent J.S. Walton objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. Therefore, IT IS ORDERED THAT:

1. Claim I of Petitioner's Petition for a Writ of Habeas Corpus [Docket No. 1] is GRANTED.
2. Respondent J.S. Walton shall reconsider the date when Petitioner should be assigned to community confinement in light of the criteria set forth in 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20-.21.
3. Claims II and III of Petitioner's Petition for a Writ of Habeas Corpus [Docket No. 1] are DENIED.

4. Petitioner's Motion to Consolidate [Docket No. 7] is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 7, 2006

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge